MONTANA LEGISLATIVE HISTORY

Chapter 396 19 95

Bill H _____ S 401 Original bill & history ✓ C

H. Committee on Human Services & Aging			S. Committee on Public Health, Welfare...		
Hearing Date(s)	3/8	✓ C	Hearing Date(s)	2/17	✓ C
	3/13	✓ C		2/18	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	_____	___ C			

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

5/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 585		
	EFFECTIVE DATE: 05/01/95		

SB 398 INTRODUCED BY GAGE

GENERALLY REVISE LAWS GOVERNING LEGISLATIVE BRANCH

2/14	INTRODUCED		
2/14	FIRST READING		
2/14	REFERRED TO FINANCE & CLAIMS		
2/15	FISCAL NOTE REQUESTED		
2/16	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	37	13
2/21	3RD READING PASSED	33	17
2/21	FISCAL NOTE RECEIVED		
2/21	FISCAL NOTE PRINTED		
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO RULES		
3/09	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED AS AMENDED	67	33
3/30	3RD READING CONCURRED	64	34
	RETURNED TO SENATE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS NOT CONCURRED	50	0
4/06	CONFERENCE COMMITTEE APPOINTED		
4/07	HEARING		
4/11	CONFERENCE COMMITTEE REPORT NO. 1		
4/12	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	27	20
4/13	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	28	22
	HOUSE		
4/06	CONFERENCE COMMITTEE APPOINTED		
4/11	CONFERENCE COMMITTEE REPORT NO. 1		
4/12	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	70	30
4/13	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	68	31
4/18	SIGNED BY PRESIDENT		
4/18	SIGNED BY SPEAKER		
4/18	TRANSMITTED TO GOVERNOR		
4/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 545		
	EFFECTIVE DATE: 04/27/95—SECTIONS 16, 42, 49, 81 & 83		
	EFFECTIVE DATE: 07/01/95—SECTIONS 1-15, 17-41, 43-48, 50-80 & 82		

SB 399 INTRODUCED BY BURNETT

REVISE METHOD OF CREATING A COUNTY PLANNING BOARD TO REQUIRE A VOTE OF THE ELECTORS

2/15	INTRODUCED		
2/15	REFERRED TO LOCAL GOVERNMENT		
2/15	FISCAL NOTE REQUESTED		
2/15	FIRST READING		
2/16	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		

2/18	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE FOR 45TH DAY		
	DIED IN COMMITTEE		

SB 400 INTRODUCED BY GROSFIELD

PROVIDE REQUIREMENTS FOR FLOW-THROUGH HOT SPRINGS POOLS

BY REQUEST OF SENATE BUSINESS AND INDUSTRY COMMITTEE

2/14	INTRODUCED		
2/15	FIRST READING		
2/15	REFERRED TO BUSINESS & INDUSTRY		
2/17	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	50	0
2/21	3RD READING PASSED	46	4
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO BUSINESS & LABOR		
3/07	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/08	2ND READING CONCURRED	93	7
3/09	3RD READING CONCURRED	87	10
	RETURNED TO SENATE		
3/14	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 155		
	EFFECTIVE DATE: 03/16/95		

SB 401 INTRODUCED BY CHRISTIAENS

REQUIRE THAT CORONERS, HEALTH CARE FACILITIES, AND HEALTH CARE PROVIDERS INFORM MORTUARY PERSONNEL IF A DECEASED INDIVIDUAL HAD AN INFECTIOUS DISEASE AT TIME OF DEATH

BY REQUEST OF SENATE PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

2/15	INTRODUCED		
2/15	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/15	FIRST READING		
2/17	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/20	2ND READING PASSED	50	0
2/21	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO HUMAN SERVICES & AGING		
3/08	HEARING		
3/16	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	96	1
3/27	3RD READING CONCURRED	95	1
	RETURNED TO SENATE		
4/06	SIGNED BY PRESIDENT		
4/06	SIGNED BY SPEAKER		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 396		
	EFFECTIVE DATE: 10/01/95		

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

SB0341	HOLDEN, RIC		AMEND THE MONTANA COMPREHENSIVE HEALTH ASSOCIATION PLAN					
	2/09	2/18		PASS AS AMENDED	2/18	VOTE:		2/20
SB0368	KLAMPE, TERRY		REVISE DENTURITY LAW INCLUDING SCOPE OF PRACTICE & DISCIPLINE PROCEDURES					
	2/11	2/18		TABLED ON	02/18	VOTE:		
SB0381	FRANKLIN, EVE		PROVIDE FOR HEALTH CARE SYSTEM IMPROVEMENTS					
	2/13	2/18		TABLED ON	02/18	VOTE:		
SB0385	ECK, DOROTHY		AUTHORIZE PROVISION OF MEDICAL SERVICES FOR CHILDREN INELIGIBLE FOR MEDICAID					
	2/13	2/18		PASS AS AMENDED	2/18	VOTE:		3/17
SB0388	HARP, JOHN		CREATE SYSTEM OF MEDICAID MANAGED CARE					
	2/13	2/18		PASS AS AMENDED	2/18	VOTE:		2/20
SB0395	BARTLETT, SUE		REVISE BD OF NURSING LAWS; PROVIDE TEMP WRK PRMIT FOR NURSES AWAITING CERTIF					
	2/14	2/18		PASS AS AMENDED	2/18	VOTE:		2/20
SB0401	CHRISTIAENS, CHRIS		REQUIRE DISCLOSURE OF INFECTIOUS DISEASE TO MORTUARY PERSONNEL					
	2/15	2/17		DO PASS	2/17	VOTE:		2/18
SB0403	MILLER, KEN		HEALTH CARE REFORM BASED ON MEDICHOICE					
	2/15	2/18		DO PASS	2/18	VOTE:	BUSINESS & LABOR	2/20
SB0410	BURNETT, JIM		ELIMINATE STATE MEAT & POULTRY INSPECTION PROGRAM					
	2/17	3/03		TABLED ON	03/23	VOTE:		
SJ0014	JACOBSON, JUDY		RESOLUTION STATING HEALTH CARE ACCESS PLANS HAVE BEEN RECEIVED					
	2/13	2/18		DO PASS	2/18	VOTE:		2/20

SENATE BILL NO. 401

INTRODUCED BY Christiaens

BY REQUEST OF SENATE PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CORONERS, HEALTH CARE FACILITIES, AND HEALTH CARE PROVIDERS INFORM MORTUARY PERSONNEL IF A DECEASED INDIVIDUAL HAD AN INFECTIOUS DISEASE AT THE TIME OF DEATH; AND AMENDING SECTION 50-16-530, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Notification to mortuary personnel -- exposure to infectious disease.** (1) A coroner, a health care facility, or a health care provider, as defined in 50-16-1003, shall disclose information regarding the status of a deceased individual with regard to an infectious disease to personnel from a mortuary licensed under Title 37, chapter 19, at the time of transfer of the dead body or as soon after transfer as possible. The information must include whether the individual had an infectious disease at the time of death and the nature of the infectious disease.

(2) The mortuary personnel who receive the information provided in subsection (1) may not disclose the information except for purposes related directly to the preparation and disposition of the dead body.

Section 2. Section 50-16-530, MCA, is amended to read:

"**50-16-530. Disclosure without patient's authorization -- other bases.** A health care provider may disclose health care information about a patient without the patient's authorization if the disclosure is:

(1) directory information, unless the patient has instructed the health care provider not to make the disclosure;

(2) to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information or when needed to protect the public health;

(3) to federal, state, or local law enforcement authorities to the extent required by law;

(4) to a law enforcement officer about the general physical condition of a patient being treated in a health care facility if the patient was injured on a public roadway or was injured by the possible criminal

act of another;

(5) in response to a request of the division of crime control for information under 53-9-104(2)(b); ~~or~~

(6) pursuant to compulsory process in accordance with 50-16-535 and 50-16-536; or

(7) pursuant to [section 1]."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 16, part 7, and the provisions of Title 50, chapter 16, part 7, apply to [section 1].

-END-

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By **CHAIRMAN JIM BURNETT**, on February 17, 1995, at 12:05 PM

ROLL CALL

Members Present:
Sen. James H. "Jim" Burnett, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Mike Sprague (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)
Sen. Terry Klampe (D)

Members Excused: Sen. Arnie A. Mohl (R)

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 226, SB 293, SB 307, SB 401
Executive Action: SB 226, SB 293, SB 307, SB 401, SB 194

{Tape: 1; Side: 1}

HEARING ON SB 226

Opening Statement by Sponsor:

SENATOR TOM KEATING, SD 5, Billings, said SB 226 deals with the licensed professional counselor, who has a level of education, training and expertise that fits into the continuum of various counseling, including psychiatric and mental health. There are psychiatrists, clinical psychologists, social workers, licensed professional counsellors, plus other types of counselors, including education, chemical dependency, etc. The word counselor gets to be a generic term, allowing people to hang out a shingle and call themselves professional counselors, but are not licensed and offering a level of service that is not as high as it is for a licensed professional counselor. The licensed professional counselors want to tighten up the statutes to protect the public

HEARING ON SB 401

Opening Statement by Sponsor:

SENATOR CHRIS CHRISTIAENS, SD 23, Great Falls, said SB 401 requires coroners, health care facilities, and health care providers inform mortuary personnel that the deceased individual had an infectious disease, at the time of death. There are cases when a mortuary picks up an body, they would handle the body differently, or would know, what kind of a situation they will encounter.

Proponents' Testimony:

Sue Weingartner, representing Montana Funeral Directors Association, said SB 401 addresses issues of concern, urge its passage.

Scott Lukkason, Licensed Funeral Director from Great Falls, spoke on behalf of several funeral directors in Great Falls, in support of SB 401 to protect their health, as well as the public's health. If they know the deceased had a communicable or infectious disease, greater precautions will be taken.

Lloyd Linden, Mortician in Helena, said morticians have a right to know they are handling an infectious case, of which all the health care providers know. They do take precautions, but it's bad when they handle a case, then the health department notifies them months later about an infectious disease the deceased had. It's disturbing when doctors and mortician present at the autopsy, become aware later that there was a possibility of contracting the disease. When the disease is known by health care providers, the morticians should be notified before handling the body.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR FRANKLIN asked if this is a similar model as the Emergency Personnel Service bill, passed in the Public Health Committee, in 1993.

SENATOR CHRISTIAENS said he thought it was.

SENATOR ESTRADA said this bill is long overdue.

SENATOR FRANKLIN asked whether morticians use "universal precautions."

Scott Lukkason said they do operate under universal precautions, but it would be helpful to have knowledge of certain type of diseases, such as tuberculosis or HIV, because they may use special precautions.

SENATOR FRANKLIN asked about dealing with an illness such as HIV, and the concern with privacy. She asked whether the funeral directors have a code of ethics.

Scott Lukkason said everything they do is confidential, for both the protection of themselves and the public.

Closing by Sponsor:

SENATOR CHRISTIAENS said SB 401 is at the request of the Attorney General, placing in the statutes, morticians rights and need to know when they are dealing with deceased who had infectious and contagious disease.

EXECUTIVE ACTION ON SB 401

Motion: **SENATOR ECK moved SB 401 DO PASS.**

Discussion: **SENATOR FRANKLIN** asked for clarification.

Susan Fox said SB 401 makes the process of notification less formal, without certificates of authorization for notification.

Vote: **The Do Pass motion for SB 401 CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 194

Discussion: **SENATOR BAER** said amendment 1 to SB 194 was adopted, the other day, but there was another motion to postpone for a further amendment.

Motion: **SENATOR BAER moved AMENDMENT 1, of January 27, 1995, to SB 194 DO PASS.**

Discussion: **SENATOR ECK** asked for review of amendments.

Susan Fox explained the amendments. **EXHIBIT 13.**

Vote: **The Do Pass motion for AMENDMENT 1 to SB 194 CARRIED UNANIMOUSLY.**

Motion: **SENATOR BAER moved AMENDMENT 2, of February 16, 1995, DO PASS.**

Discussion: **Susan Fox** explained the amendments. **EXHIBIT 14.** She said the council serves only in an advisory capacity, making suggestions to the Department of Health and Environmental Sciences, but the council has no rule-making authority.

Vote: **The DO PASS motion for AMENDMENT 2 to SB 194 CARRIED UNANIMOUSLY.**

Motion: **SENATOR BAER moved SB 194 DO PASS AS AMENDED.**

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL DATE 2/17/95

NAME	PRESENT	ABSENT	EXCUSED
LARRY BAER	X		
SHARON ESTRADA	X		
ARNIE MOHL			X
MIKE SPRAUGE	X		
DOROTHY ECK	X		
EVE FRANKLIN	X		
TERRY KLAMPE	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JIM BURNETT, CHAIRMAN	X		

SEN:1995
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CS-09

DATE 2-12-95

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 401 SB 307 SB 293
SB 226

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
ROBERT HAGSTROM	MYSELF	226		✓
DR. QUINTON R. HEHN	MCMHCA	226	✓	
CARL BODEK	MCMHCA	226	✓	
Carol Steben-Burroughs	MCMHCA	226	✓	
Karen Figura	MCMHCA	226	✓	
Ben Burns	Self	226	✓	
TOM FERRO	SELF	226	✓	
Pete Loxthridge	OFS			?
DICK LARSON	MMAOM	307	✓	
DONALD FOX	MMAOM	307	✓	
Roger Wicke		307		✓
Judith Gedrose	DHES			
SCOTT LUKKASON	O'CONNOR F.H.	401	✓	
LLOYD LINDLEY	MONTANA FUNERAL ASSN Director	401	✓	
NANCY BRUNO	DCHS/AIDSHIV	226	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

DATE 2/17/95

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 401, 307, 293, 226

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
Jerome Loendorf	Mt. Funeral Assn	307		✓
Jerome Loendorf	" " "	293	✓	
Sue Weingartner	MT Funeral Directors Assn	401	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE STANDING COMMITTEE REPORT

February 18, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration SB 401 (first reading copy -- white), respectfully report that SB 401 do pass.

Signed: Jim Burnett
Senator Jim Burnett, Chair

Amd. Coord.
Sec. of Senate

421004SC.SPV

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0240	VAN VALKENBURG, FRED 2/20	3/06	RESTRICTED LICENSE FOR FOREIGN-TRAINED PHYSICIAN UNDER CERTAIN CONDITIONS	CONCUR 03/06 VOTE: 16-0		3/07
SB0244	WATERMAN, MIGNON 2/15	3/03	REQUIRE PERMANENT PLACEMENT PLAN FOR CHILDREN & REVIEW OF ADOPTION LAW	CONCUR 03/20 VOTE: 16-0		3/22
SB0270	BURNETT, JIM 2/15	3/03	RECORD DESTRUCTION IF CHILD DETERMINED NOT TO BE ABUSED OR NEGLECTED	CONCUR 03/03 VOTE: 14-0		3/06
SB0271	BURNETT, JIM 2/20	3/03	CLARIFY POLICY REGARDING CHILD PLACEMENT	CONCUR AS AMENDED 03/10 VOTE: 13-0		3/13
SB0293	HARDING, ETHEL 2/22	3/10	ESTABLISH MEDICAID FRAUD AND ABUSE UNIT AND LAWS	CONCUR AS AMENDED 03/22 VOTE: 15-		3/24
SB0310	JACOBSON, JUDY 2/20	3/06	REVISE PHYSICIAN ASSISTANT LAW ON PRESCRIPTIONS AND VOTING postponed 03/06	CONCUR 03/13 VOTE: 13-3		3/16
SB0339	CHRISTIAENS, CHRIS 3/09	3/20	REVISE HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH, CHEMICAL DEPENDENCY	CONCUR AS AMENDED 03/22 VOTE: 14-1		3/27
SB0385	ECK, DOROTHY 3/27	3/31	AUTHORIZE PROVISION OF MEDICAL SERVICES FOR CHILDREN INELIGIBLE FOR MEDICAID	CONCUR 03/31 VOTE: 15-1		4/04
SB0388	HARP, JOHN 2/27	3/15	CREATE SYSTEM OF MEDICAID MANAGED CARE	CONCUR 03/22 VOTE: 14-1		3/24
SB0395	BARTLETT, SUE 2/27	3/20	REVISE BD OF NURSING LAWS; PROVIDE TEMP WRK PRMIT FOR NURSES AWAITING CERTIF	CONCUR AS AMENDED 03/22 VOTE: 16-0		3/24
SB0401	CHRISTIAENS, CHRIS 2/22	3/08	REQUIRE DISCLOSURE OF INFECTIOUS DISEASE TO MORTUARY PERSONNEL	CONCUR 03/13 VOTE: 15-0		3/16
SB0416	SWYSGOOD, CHUCK 3/14	3/20	REVISE CERTIFICATE OF NEED LAWS -- CONTINGENT REPEALER	CONCUR 03/22 VOTE: 16-0		3/24

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on March 8, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)
Rep. Kenneth Wennemar (D)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 134, SB 401, SB 209
Executive Action: None

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

HEARING ON SB 134

Opening Statement by Sponsor:

SEN. TERRY KLAMPE, SD 31, Florence, stated that this bill pertained to incremental health care reform that dealt with cost

owned stock, if they would still have to disclose information about that financial interest and presently do not.

Closing by Sponsor:

SEN. KLAMPE stated that he was a proponent of incremental health care reform. The issue that is brought forth in SB 134 is not a big problem in Montana right now and what they are trying to do is look ahead to prevent the problem from escalating. The Board of Dentistry cannot control the advertisers, but they can control the dentists who advertise with them.

{Tape: 2; Side: A; Approx. Counter: 230; Comments: NA.}

HEARING ON SB 401

Opening Statement by Sponsor:

SEN. CHRIS CHRISTIAENS, SD 23, Great Falls, stated that this was a bill asking that mortuary personnel receive information regarding an infectious disease of a deceased person and may not disclose this information except for purposes related directly to the preparation and disposition of the dead body.

Proponents' Testimony:

Sue Weingartner, Montana Funeral Director's Association, said that this was a concern of the members and they support the bill.

Shawn Brooke, Retz Funeral Home, Helena, stated that SB 401 would help guard against the transmission of deadly diseases.

Tim Bergstrom, Montana Fireman's Association, explained that the other areas of medical professions have been covered and the coroners need protection too.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DEB KOTTEL asked what the penalty would be if the mortuary personnel should disclose information in violation of the statute.

SEN. CHRISTIAENS explained that the penalties are listed in 50-16-704 of the MCA. It is considered a misdemeanor and upon conviction shall be fined not less than $500 or more than $10,000; with prison time not less than three months or more than one year or both.

REP. KOTTEL questioned why a bill like this was necessary and how infectious disease could be spread when mortuary personnel were supposed to be using universal precautions on all bodies.

Mr. Brooke explained that the mortician's job was to remove the blood and body fluids and replace them with embalming fluid. He stated that if the personnel knew there was a body with an infectious disease they might take extra precautions rather than just the normal precautions with a regular body.

REP. KOTTEL asked if the information given would ever prompt the refusal of an infected body.

Mr. Brooke said that their home has never turned anyone down because of their illnesses and it is unethical. That situation would be dealt with professionally.

REP. LOREN SOFT inquired if there has been a law dealing with the notification of infectious diseases and has this come about because of the AIDS epidemic and hepatitis. **Mr. Brooke** said that Kentucky has such a law, which became effective in c.1989. The original idea may have been for the AIDS epidemic but many morticians are concerned about diseases that AIDS patients may harbor such as hepatitis B which is much more contagious and infectious than AIDS.

REP. CAROLYN SQUIRES asked if they did the injections to protect themselves against them.

Mr. Brooke replied that they did but there are some other strains that they do not have vaccines against.

Closing by Sponsor:

SEN. CHRISTIAENS mentioned that this bill was requested via a letter to the attorney general. There was a concern mainly about the hepatitis strains that can stay active for 15 days, even in dry blood.

{Tape: 2; Side: A; Approx. Counter: 680; Comments: NA.}

HEARING ON SB 209

Opening Statement by Sponsor:

SEN. CHUCK SWYSGOOD, SD 17, Dillon, opened by saying that SB 209 introduced Montana's welfare reform plan which is called Families Achieving Independence in Montana (FAIM). The federal welfare system has become inefficient and fails to foster fundamental American values relating to work, families, individual responsibilities, and self-sufficiency. The governor mandated that the director of Social and Rehabilitation Services (SRS) appoint a 23-member council that represents a bipartisan cross

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL DATE 3-8-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		✓
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		✓
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		✓
Rep. Ken Wennemar	✓		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on March 13, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Kenneth Wennemar (D)

Members Excused:

Rep. Chris Ahner (R)
Rep. Loren Soft (R)

Members Absent: None.

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	SB 236 (continued from hearing of 3/10/95); SB 17
Executive Action:	SB 401 BE CONCURRED IN
	SB 310 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 000; Comments: See minutes of 3/10/95 for opening remarks by sponsor and beginning of proponents' testimony for SB 236.}

REP. JOHN BOHLINGER asked if **Father Smith** thought that providing HIV-related tests on an anonymous basis would provide a security. **Father Smith** replied that he thought it would.

REP. BRAD MOLNAR said that he heard of some people who knew that they were HIV positive who turned up with other sexually transmitted diseases later on and asked if **SEN. KEATING** could back that up. He replied that it was usually the opposite and that the other diseases usually showed up first.

{Tape: 3; Side: A; Approx. Counter: 760; Comments: NA.}

Closing by Sponsor:

SEN. KEATING stated that SB 17 would be beneficial to all Montanans and that all testing is anonymous until the test comes back positive and then it becomes confidential. The written informed consent has been an impediment to testing and without it there would be greater participation in the medical community. Anonymity would not be done away with, SB 17 would still allow for anonymous testing for those who want to, and it would provide for others who would find it worthwhile to be routinely tested in their doctor's office. He quoted statistics about AIDS/HIV and stated that two years ago there were 103 strains of the HIV virus that do not have vaccines and that no one would be able to produce vaccines for that many strains.

{Tape: 3; Side: B; Approx. Counter: 00; Comments: NA.}

He said SB 17 would not drive people away but rather invite more people to be tested. Early testing and notification would be a help to both the carriers and their partners. He stated that he would resist any amendments as they would confuse the issue and wants to keep the bill as is.

EXECUTIVE ACTION ON SB 401

Motion/Vote: **REP. TONI HAGENER MOVED THAT SB 401 BE CONCURRED IN. The motion carried unanimously.**

A letter urging support for SB 401 from **Dahl Chapels of Billings, Bozeman and Red Lodge** was submitted for the record. **EXHIBIT 14**

EXECUTIVE ACTION ON SB 310

Motion: **REP. TONI HAGENER MOVED THAT SB 310 BE CONCURRED IN.**

Discussion:

REP. LIZ SMITH said that nurse practitioners have permission to prescribe drugs by rules and physician assistants need to have permission by statute. She opposed SB 310.

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL DATE 3-13-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner			✓
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft			✓
Rep. Ken Wennemar	✓		

HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Mr. Speaker: We, the committee on **Human Services and Aging** report that **Senate Bill 401** (third reading copy -- blue) **be concurred in.**

Signed: _____
Duane Grimes, Chair

Carried by: Rep. Carey

Committee Vote:
Yes 15, No 0.

601132SC.HBK

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-13-95 BILL NO. SB 401 NUMBER _____

MOTION: Do Pass Hagener

unanimous

NAME	AYE	NO
Rep. Duane Grimes, Chairman		
Rep. John Bohlinger, Vice Chairman, Majority		
Rep. Carolyn Squires, Vice Chairman, Minority		
Rep. Chris Ahner		
Rep. Ellen Bergman		
Rep. Bill Carey		
Rep. Dick Green		
Rep. Toni Hagener		
Rep. Deb Kottel		
Rep. Bonnie Martinez		
Rep. Brad Molnar		
Rep. Bruce Simon		
Rep. Liz Smith		
Rep. Susan Smith		
Rep. Loren Soft		
Rep. Ken Wennemar		

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

I give my proxy
to Duane Grimes
for Human Services.

	Chris Ahner
[redacted]	[redacted]

Vote Duane Grimes and Chris Ahner YES on SB 401 and 209.

Duane Grimes

HOUSE OF REPRESENTATIVES
COMMITTEE PROXY

DATE 3-13-95

I request to be excused from the Human Services & Aging Committee meeting this date because of other commitments. I desire to leave my proxy vote with Bill Carey.

Indicate **Bill Number** and your vote **Aye** or **No**. If there are **amendments**, list them **by name and number** under the bill and indicate a **separate vote for each amendment.**

HOUSE BILL/AMENDMENT	*AYE*	*NO*
HB 401	✓	
HB 310	✓	

SENATE BILL/AMENDMENT	*AYE*	*NO*

Rep. [signature]
(Signature)

HR:1993
WP/PROXY